UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/749,721	11/15/96	MCGREGOR D	12765

LM02/0629

RICHARD ESTY PETERSON
BIELEN PETERSON & LAMPE
SUITE 720
1990 N CALIFORNIA BOULEVARD
WALNUT CREEK CA 94596

EXAMINER	
GESESSE, T	
ART UNIT	**PAPER NUMBER**
2746	2

DATE MAILED: 06/29/98

Please find below and/or attached an Office communication concerning this application or pr ceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/749,721	McGregor
Examiner	**Group Art Unit**
Tilahun, Gesesse	2746

☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-28* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-28* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

Claim Objections

1. Claims 6 and 7 are objected to because of the following informalities: Minor error is found on claim 6 and 7, claim 6 depends on claim 11 and claim 7 depends on claim 16, Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl et al (US PAT. 5,138,650) in view of Renton (US PAT. 5,233,642 hereinafter Renton).

Consider claim 1, Stahl et al teaches a mobile phone unit (12) with internal accounting for use in a phone network (10) includes the mobile phone unit internally calculates call changes and decrements call charges from a debit account, the mobile phone unit include first communication means for wireless communication in the phone network (col.3 line 54-60). Stahl et al fails to disclose the second communication means for communication with a host processor of a system provider in a debit phone system. However, Renton teaches the second communication means for communication with a host processor of a system provider in a debit phone system in addition to a communicating to cellular network (fig.10 &11 and col.16 line 8-21). Then, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Stahl in communicating the mobile phone unit with the host processor, as per the teaching of Renton, in order to make a direct contact and exchange record information or billing information between the host processor and mobile phone unit. Stahl et al teaches the internal processing means in the mobile phone unit including a processor and memory for processing calls and call charges (col.4 line 12-29). Stahl et al fails to disclose a clock chip. However, Renton discloses a real-time clock (see fig.1 #206). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Stahl in using clock chip, as per the teaching of Renton, in order to measure the duration of the call for billing purpose. Stahl et al discloses program means in the mobile phone unit including a complex billing algorithm and rate data for internally

calculating call charges as calls are made, the mobile phone unit internally calculates call charges and decrements call charges from a debit account in the mobile phone unit and the mobile unit means for verification by a host processor that a phone use account amount has been added to the debit account(col. 6 line 1-17).

Consider claim 2, Stahl et al teaches the program means for storing all charges as recorded data in the memory (see fig.3 #53 and 51).

Consider claim 3, Stahl et al fails to disclose the two way communication between the host processor and mobile phone unit for detail information exchange initiated by the host processor. However, Renton teaches the mobile phone unit has means for a communication session being initiated by a host processor at a time controlled by the system provider and communicating the record data of stored call charges from the mobile phone unit to a host processor of a system provider (col.50-54). Then, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Stahl in communicating a host processor with the mobile phone unit for detail record information, as per the teaching of Renton, in order to provide the usage of the cellular telephone can quickly and easily be determined, so that evaluation or billing base upon the usage of the cellular telephone.

Consider claim 4, Stahl et al discloses the mobile phone unit has means for receiving an increase in the amount of the debit account in the mobile phone unit during a communication session with network controller (col.2 line 10-15).

Consider claim 5, Stahl et al discloses the mobile phone unit has an RF transceiver and the communication session is established over the airway by RF signals (see fig.2 #30 and fig.3 #50).

Consider claim 6, Stahl et al fails to disclose the mobile phone unit has control means for deactivating the mobile phone unit when the debit account is exhausted. However, such a feature is well known in the billing art and therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Stahl deactivating the cellular transceiver, in order to prevent the phone from being used where the debit acount is exhausted.

Consider claim 7, Stahl et al fails to disclose the mobile phone unit has paging means for establishing a communication link with the host processor unit when deactivated. However, it would have been obvious to a person of ordinary skill in the art at time of invention was made to have a paging means for establishing a communication link with host processor when deactivated.

Consider claims 8 and 9, Stahl et al discloses the mobile phone unit has means for establishing a communication session with a transaction station and upon verification of a set payment account amount by the transaction station increasing the amount of the debit account in the mobile phone unit (col.3 line 3-15).

Consider claims 10 and 11, Stahl et al discloses the mobile phone unit has security means includes code means for receiving encrypted account communications and decrypting the account communications (col.3 line 21-28).

Consider claims 12- 13 and 25, Stahl et al discloses the mobile phone unit(12) includes means for direct electronic coupling of the mobile phone unit with transaction station (26) (see fig.1).

Consider claim 14, Stahl et al discloses a visual display and the program means generates a visual display of current debit account status in the visual display (col. 4 line 3-6).

Consider claim 15, Stahl et al fails to disclose the complex billing algorithm and rate data retain in the memory of the hand-held device. However, Renton discloses the mobile phone unit is a hand-held device with the complex billing algorithm and rate data retained in the memory of the hand-held device (col.12 line 3-10).threfore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Stahl in complex billing algorithm and rate data retain in the memory of the hand-held device, as per the teaching of Renton, in order to keep track of calculations of the billing account for the cellular phone.

Consider claims 16, Stahl et al discloses a rate data under control of the system provider and secure from a mobile phone unit user (col. 9 line 6-12). Stahl fails to disclose the table of rate for billing the subscriber. However, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to come up with a table of rate based on distance and time of service rendered in order to obtain accounte billing charges.

Consider claim 17-22, Stahl et al fails to disclose the complex billing algorithm includes a multiple factor accounting protocol . However, Renton discloses very complex evaluation based on the type of call, time of the day or week of the call, the duration of the call (col. 15 line 3-12)..

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to modify Stahl in complex evaluation based on time and duration of the call, as per the disclosing of Renton, in order to evaluate the cellular phone quickly and easily the billing cost of calls.

Consider claim 23, Stahl et al fails to disclose the clock chip of the mobile phone unit is a real time clock chip. However, Renton discloses the real-time clock (#206 fig. 8 and col.9 line 30-39). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Stahl in using the clock chip as real-time clock, as per the teaching of Renton, in order to detect the date and time information efficiently.

Consider claim 24, Stahl et al fails to disclose the deactivating the phone unit at a predetermined time and date. However, Renton discloses the deactivating the phone unit at a predetermined time and date (col.9 line 1-5). Then it would have been obvious to a person of ordinary skill in the art at the time of invention to modify Stahl in monitoring the mobile phone unit by cutting off the communication when the predetermined time elapsed, as per the teaching of Renton, in order to monitor the communication at the mobile phone unit for simplicity.

Consider claim 26, Stahl et al fails to discloses the transaction station is a stand alone unit electronically couple to the phone unit. However, Renton discloses the transaction station is a stationary unit electronically couple to the phone unit (see fig.10). Then it would have been obvious to a person of ordinary skill in the art at the time invention was made to modify Stahl in

coupling a stationary unit electronically couple to the phone unit, as per the teaching of Renton, in order to facilitate the exchanging of detail call information .

Consider claims 27 , Stahl et al fails to disclose the host processor has means for remote activation of the mobile phone unit and remote programming of the mobile phone unit. However, Renton discloses the host processor has means for remote activation of the mobile phone unit (col.16 line 27-31). Then it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Stahl in remote activation of the mobile phone unit, as per the teaching of Renton, in order to retrieve call detail information from the mobile phone unit.

Consider claim 28, Stahl et al discloses the remote programming of the mobile phone unit (col. 5 line 67-68 and col.6 line 1-10).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Freese et al (5,148,472) discloses the call administration system, without operator intervention, provides a metered billing class of service to customers as an aid to controlling their cellular communication expense; and provides for registration of roam sets for service on a cellular switch without need for a billing agreement with the set's home carrier. See abstract.

Hillis (5,303,297) discloses a communication system service billing arrangement is described that adapts to system loading in real-time see abstract.

McGregor et al (5,325,418) discloses the cellular telephone unit is equipped with an internal real-time clock and calendar circuit and memory store to record the time and date of calls for reporting to the central processing unit to enable tracking and detailed accounting of calls. See abstract.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873. The examiner can normally be reached on Monday to Friday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 3059508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Tilahun Gesesse
6-18-98

EDWARD F. URBAN
PRIMARY EXAMINER